Appendix

Oral Comments of Mr. Justice Wieboldt on Conviction (R. 206-7):

"Justice Wieboldt: No, not necessary, not with reference to the third, fourth and fifth counts. You renew the motions made at the close of People's case and further move for acquittal on the ground the defendant's guilt has not been proven beyond a reasonable doubt—is that right, Senator?

"Mr. Sheridan: Yes.

"Justice Wieboldt: That motion is denied by unanimous Court, with respect to the third and fourth counts and as to the sixth count, by majority of the Court, Justice Wieboldt dissenting as to the sixth count only.

"May I state further on behalf of the unanimous Bench that this finding of guilty of the defendant was based solely upon the testimony adduced with respect to the communications which were appended to the Information and that if the District Attorney had not introduced in evidence any of the additional exhibits which are now in evidence, which were received by a majority of the Court, that in spite of its being introduced, the decision of the Court is guilty, and that they so find regardless of the introduction of those exhibits or not; but of course those having been introduced, they had to be taken into consideration, but the Court is stating now that had they not been introduced and we had just relied upon the testimony adduced from these witnesses, together with those particular communications which were appended to the Information, that the Court feels that the defendant on that alone was guilty of committing the crime as charged, and, beyond a reasonable doubt."